

SIXTEENTH DAY
(Wednesday, February 6, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Washington.

A quorum was announced present.

The Reverend Luster Lockett, Manchaca United Methodist Church of Manchaca, offered the invocation as follows:

Eternal God and Father of us all, Who orders the common things of the common day, we pause to acknowledge that You alone are Lord, and to give You thanks for the gift of life in this day. We thank You for the tasks that lie before all of us to do today, and we ask the guidance of Your Spirit among us as we go about the business that is before us. Direct this body today and throughout this session in all of their deliberations: that they may do the work that is before them with faith and courage, with wisdom and foresight, and with a sense of that which is right and true as You enable them to see it. And when they have done their work, grant that they may receive Your blessing, knowing that their labors in the service of justice and truth have not been in vain. In the Name of Him who abides with us all, for now and for always. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
February 6, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 34, Requesting the Department of Energy to reject Deaf Smith County as a possible site for a high-level nuclear waste facility.

H.C.R. 41, Inviting Vice-President George Bush to address a joint session on February 27, 1985.

H.C.R. 51, Congratulating West Texas State University.

H.C.R. 44, Commending the Sam Houston Area Council of the Boy Scouts of America.

S.C.R. 27, Expressing support for the homeporting of a battleship surface action group on the Texas coast.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 270
S.B. 251
C.S.S.B. 106

Senator Caperton submitted the following report for the Committee on Criminal Justice:

S.B. 126
S.J.R. 6
S.B. 59 (Amended)
C.S.S.B. 148

Senator Parker submitted the following report for the Committee on Education:

S.B. 172
S.B. 215

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 121
C.S.S.B. 119
C.S.S.J.R. 10

Senator Howard submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be JUSTICE OF THE SUPREME COURT OF TEXAS: Judge Raul A. Gonzalez, San Patricio County.

To be a Member of the INDUSTRIAL ACCIDENT BOARD: Margaret M. Maisel, Bexar County.

To be a Member of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Oscar C. Mascorro, Bexar County.

To be Members of the NUECES RIVER AUTHORITY BOARD OF DIRECTORS: Salvador Almanza, Atascosa County; Charles S. Carr, Zavala County.

To be JUDGE, 269th JUDICIAL DISTRICT, HARRIS COUNTY: Henry E. Allee, Harris County.

To be JUSTICE OF THE 13th COURT OF APPEALS: Fortunato (Pete) Benavides, Hidalgo County.

To be CRIMINAL DISTRICT ATTORNEY OF CASS COUNTY: Neal E. Birmingham, Cass County.

To be JUDGE, 351st JUDICIAL DISTRICT, HARRIS COUNTY: Jay W. Burnett, Harris County.

To be JUDGE, 353rd JUDICIAL DISTRICT, TRAVIS COUNTY: Joe B. Dibrell, Jr., Travis County.

To be JUDGE, 79th JUDICIAL DISTRICT, BROOKS AND JIM WELLS COUNTIES: Romeo Flores, Jim Wells County.

To be DISTRICT ATTORNEY, 355th JUDICIAL DISTRICT, HOOD COUNTY: Dan B. Grissom, Hood County.

To be JUDGE, 260th JUDICIAL DISTRICT, ORANGE COUNTY: Buddie J. Hahn, Orange County.

To be Members of the MOTORCYCLE OPERATOR TRAINING AND SAFETY ADVISORY COMMITTEE: Fred Barney, Tarrant County; Georgie Bond, Travis County; Carlos D. Gonzalez, Jim Wells County; Jean Hudgins, Galveston County; Lorrie Laing, Travis County; Gene Wilkins, Travis County; Bob Williams, Travis County.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 360 by Washington Jurisprudence
Relating to regulation of private process servers; providing penalties.

S.B. 361 by Washington, Truan Health and Human Resources
Relating to the regulation of the practice of acupuncture; providing penalties.

S.B. 362 by Caperton, Edwards Intergovernmental Relations
Relating to the jurisdiction of the 82nd District Court and to the jurisdiction of the county courts in that judicial district.

S.B. 363 by Glasgow Education
Relating to class size limits and averages at certain grade levels in public schools.

S.B. 364 by Mauzy Education
Relating to professional negotiations for certain employees of public schools.

S.B. 365 by Leedom State Affairs
Relating to the elimination of certain legal holidays.

S.B. 366 by Traeger State Affairs
Relating to the State Depository Board, the state treasurer, and the management of state funds; providing penalties.

S.B. 367 by Barrientos Finance
Relating to an exemption from property taxation of the property of certain nonprofit corporations that provide housing for persons with low incomes.

S.B. 368 by Barrientos Intergovernmental Relations
Relating to the reorganization of the Travis County Municipal Utility District No. 1 as a special law district; the continuation of it as a district and of its outstanding obligations; the issuance of previously voted bonds and the levy of previously voted taxes, if any; and the validation of prior elections, other actions, and contracts of the district.

S.B. 369 by Traeger Economic Development
Relating to the regulation of real estate appraisers; providing a penalty.

S.B. 370 by Caperton State Affairs
Relating to the open meetings and open records requirements applicable to governmental bodies; giving private rights of action in certain circumstances; defining offenses and providing penalties; amending Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), by amending Subsections (a) and (b), Section 1; Subsections (a) and (f), Section 2; Subsections (a) and (h), Section 3A; and Section 3; and by adding Sections 2A and 3B; and amending Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6262-17a, Vernon's Texas Civil Statutes), by amending Sections 4, 7, 8, and 10; adding Section 6A; and repealing Section 12.

S.J.R. 15 by Edwards Finance
Proposing a constitutional amendment relating to the apportionment of the value of railroad rolling stock among counties for purposes of property taxation.

S.C.R. 41 by Mauzy Jurisprudence
Granting Herzog Contracting Corporation permission to sue the State of Texas.

(Senator Traeger in Chair)

SENATE CONCURRENT RESOLUTION 34 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to consider at this time on its second reading:

S.C.R. 34, Inviting the Honorable Phil Gramm to address a joint session at an appropriate designated time.

The resolution was read second time and was adopted.

(President in Chair)

HOUSE CONCURRENT RESOLUTION 41

The President laid before the Senate the following resolution:

H.C.R. 41, Inviting Vice-President George Bush to address a Joint Session on February 27, 1985.

The resolution was read.

On motion of Senator McFarland and by unanimous consent, the resolution was considered immediately and was adopted.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

COMMITTEE SUBSTITUTE SENATE BILL 42 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order

of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 42, Relating to the payment of claims and accounts against the State.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 42 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 42** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 35 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 35, Relating to the participation by joint airports in law enforcement interlocal assistance agreements with counties and municipalities.

The bill was read second time and was passed to engrossment.

SENATE BILL 35 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 35** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 125 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 125, Relating to the exemption from identification requirements of state-owned vehicles of the attorney general's office and The Banking Department of Texas; amending Article 6701m-1, Revised Statutes, as amended.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 125 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 125** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Mauzy.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 195 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 195, Relating to the continuation and changing of the name of the State Commission for the Blind.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 195 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 195** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

SENATE BILL 201 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 201, Relating to the operations and continuation of the Anatomical Board of the State of Texas.

The bill was read second time.

Senator Sharp offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 201** as follows:

On page 1, line 19, modify the existing language to read as follows:

(c) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9C, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the board, may not serve as a member of the board or act as the general counsel to the board.

The committee amendment was read and was adopted.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 201 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 201 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

SENATE BILL 255 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 255, Relating to the continuation, composition, powers, and duties of the office of the Interstate Compact on Mental Health Administrator for Texas and to the annual report filed by the Department of Mental Health and Mental Retardation.

The bill was read second time and was passed to engrossment.

SENATE BILL 255 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 255 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 210 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 210, Relating to the sale of certain property and to the use of the proceeds to provide mental health services.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 210** by adding a new SECTION 2 to read as follows and renumbering the Emergency Clause as SECTION 3.

“SECTION 2. Any offer to sell the real property described in Section 1 of this Act shall be advertised at least once a week for four consecutive weeks in at least two newspapers, one of which shall be published in Dallas County. The other newspaper in which the offer to sell is advertised shall have statewide circulation. Any sale of such real property shall be made to the highest bidder by sealed bid if the consideration for and terms and conditions of sale are deemed satisfactory by the Dallas County Mental Health and Mental Retardation Center; provided, however, that no such sale will be made for an amount less than the current appraised value of such real property. The Dallas County Mental Health and Mental

Retardation Center will not use any of the proceeds of such sale to acquire other real property for an amount in excess of the current appraised value of the real property to be acquired."

The amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 210 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 210** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 21 ON SECOND READING

Senator Sarpalius moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that **C.S.S.B. 21** be taken up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 21, Relating to compliance with federal highway legislation by revising alcoholic beverage regulations relating to age.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Barrientos, Blake, Brown, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brooks, Caperton, Mauzy, Santiesteban.

Absent-excused: Washington.

The bill was read second time.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SECTION 15** of **C.S.S.B. 21** by deleting the **SECTION** in its entirety and substituting in lieu thereof the following:

"This Act takes effect September 1, 1986."

The amendment was read.

Senator Edwards offered the following amendment to the pending amendment to the bill:

Floor Amendment No. 2

Amend Floor Amendment No. 1 by substituting the following:

Amend **C.S.S.B. 21** by striking Section 15 and substituting the following:

SECTION 15. (a) If the attorney general of Texas finds that Public Law 98-363 as it relates to the imposition of sanctions against a state involving federal

highway funds for failing to increase the age at which persons may purchase or consume alcoholic beverages is repealed, has expired, is suspended, or the enforcement of it has for any reason been enjoined and the injunction has been upheld by the United States Court of Appeals for the Fifth Circuit or the United States Supreme Court, or if the attorney general finds that the United States Court of Appeals for the Fifth Circuit or the United States Supreme Court has entered a final order holding that the federal law, to the extent it has the described effect, or a rule implementing it is unconstitutional or otherwise invalid, in whole or in part, the attorney general shall file a certificate of that fact with the secretary of state. The secretary shall publish the certificate in the Texas Register.

(b) The preceding sections of this Act take effect September 1, 1986, except that if before that date the attorney general has filed with the secretary of state a certificate finding the existence of one of the facts specified in Subsection (a) of this section, the effective date of this Act is delayed until the 30th day after the date on which the attorney general files another certificate with the secretary of state stating that none of the facts specified in Subsection (a) of this section exists. The secretary shall publish the certificate in the Texas Register.

(c) If, after this Act has taken effect, the attorney general files with the secretary of state a certificate finding that one of the facts specified in Subsection (a) of this section exists, then effective on the date specified in Subsection (d) of this section, those provisions of the Alcoholic Beverage Code amended by this Act to change the age 19 years to 21 years shall be construed for all purposes as though they provided an age of 19 years.

(d) The contingency described in Subsection (c) of this section takes effect as follows:

(1) if the certificate is filed at a time when the legislature is not convened in regular session, the effective date is June 15 immediately after the next regular session of the legislature; and

(5) if the certificate is filed while the legislature is convened in regular session, the effective date is June 15 immediately after final adjournment of that regular session.

The amendment to the pending amendment was read.

Senator Sarpalius offered the following substitute for the amendment to the pending amendment to the bill:

Floor Amendment No. 3

Substitute the following for Floor Amendment No. 2:

Amend C.S.S.B. 21 by striking Section 15 and substituting the following:

SECTION 15. (a) If the attorney general of Texas finds that Public Law 98-363 as it relates to the imposition of sanctions against a state involving federal highway funds for failing to increase the age at which persons may purchase or consume alcoholic beverages is repealed, ~~[has expired, is suspended,]~~ or the enforcement of it has for any reason been enjoined and the injunction has been upheld by the United States Court of Appeals for the Fifth Circuit or the United States Supreme Court, or if the attorney general finds that that the United States Court of Appeals for the Fifth Circuit or the United States Supreme Court has entered a final order holding that the federal law, to the extent it has the described effect, or a rule implementing it is unconstitutional or otherwise invalid, in whole or in part, the attorney general shall file a certificate of that fact with the secretary of state. The secretary shall publish the certificate in the Texas Register.

(b) The preceding sections of this Act take effect September 1, 1986, except that if before that date the attorney general has filed with the secretary of state a

certificate finding the existence of one of the facts specified in Subsection (a) of this section, the effective date of this Act is delayed until the 30th day after the date on which the attorney general files another certificate with the secretary of state stating that none of the facts specified in Subsection (a) of this section exists. The secretary shall publish the certificate in the Texas Register.

(c) If, after this Act has taken effect, the attorney general files with the secretary of state a certificate finding that one of the facts specified in Subsection (a) of this section exists, then effective on the date specified in Subsection (d) of this section, those provisions of the Alcoholic Beverage Code amended by this Act to change the age 19 years to 21 years shall be construed for all purposes as though they provided an age of 19 years.

(d) The contingency described in Subsection (c) of this section takes effect as follows:

(1) if the certificate is filed at a time when the legislature is not convened in regular session, the effective date is June 15 immediately after the next regular session of the legislature; and

(5) if the certificate is filed while the legislature is convened in regular session, the effective date is June 15 immediately after final adjournment of that regular session.

The substitute for the amendment to the pending amendment was read.

On motion of Senator Edwards, the substitute for the amendment to the pending amendment was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Traeger, Truan, Uribe, Whitmire.

Nays: Brown, Howard, Jones, Krier, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Williams.

Absent-excused: Washington.

Senator Glasgow offered the following substitute for the amendment to the pending amendment to the bill:

Floor Amendment No. 4

Substitute the following for Floor Amendment No. 2:

Amend **C.S.S.B. 21** by adding the following new section and renumbering subsequent sections:

Section 15. (a) If the Attorney General of Texas finds that 23 U.S. Code, Section 158, is repealed, has expired, or the enforcement of it for any reason has been enjoined, or held and be unconstitutional by an United States Federal Circuit Court of Appeals or the Supreme Court of the United States, in whole or in part, the Attorney General shall file a certificate of that fact with the Secretary of State. The Secretary of State shall publish the certificate in the Texas Register.

(b) The preceding sections of this Act take effect September 1, 1986, except that if before or after that date the Attorney General has filed with the Secretary of State a certificate finding this existence of one of the facts specified in Subsection (a) of this section. If the Attorney General files said certificate the provisions of the Alcoholic Beverage Code as amended by this Act and change the age 19 years to 21 years shall be construed for all purposes as though they provided an age of 19 years.

(c) The preceding sections of Act changing the age 19 years to 21 years shall expire on October 1, 1988, and thereafter the age shall revert from 21 to 19.

The substitute for the amendment to the pending amendment was read and failed of adoption by the following vote: Yeas 6, Nays 23.

Yeas: Barrientos, Caperton, Farabee, Glasgow, Lyon, Mauzy.

Nays: Blake, Brooks, Brown, Edwards, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent: Harris.

Absent-excused: Washington.

Question on the adoption of Floor Amendment No. 2, amendment to the pending amendment, Floor Amendment No. 1.

Senator Sarpalius moved to table Floor Amendment No. 2.

The motion to table was lost by the following vote: Yeas 13, Nays 16.

Yeas: Blake, Brown, Howard, Jones, Krier, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Williams.

Nays: Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Henderson, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Whitmire.

Absent: Harris.

Absent-excused: Washington.

Question on the adoption of Floor Amendment No. 2, the amendment was adopted by the following vote: Yeas 16, Nays 13.

Yeas: Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Henderson, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Whitmire.

Nays: Blake, Brown, Howard, Jones, Krier, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger, Williams.

Absent: Harris.

Absent-excused: Washington.

Question on the adoption of Floor Amendment No. 1 as amended, the amendment was adopted.

RECORD OF VOTE

Senator Sarpalius asked to be recorded as voting "Nay" on the adoption of the amendment as amended.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 21 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Caperton, Mauzy, Santiesteban.

Absent: Harris.

Absent-excused: Washington.

The bill was read third time and was passed.

MEMORIAL RESOLUTION

S.R. 86 - By Parmer: Memorial resolution for Robert Keen.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 44 - (Brown): Commending the Sam Houston Area Council of the Boy Scouts of America.

S.R. 85 - By Mauzy: Commending the South Oak Cliff Lady Bears.

S.R. 87 - By Caperton: Extending welcome to Dr. Stephen Benold, Capitol Physician for the Day.

S.R. 88 - By Washington: Commending the National Black Law Students Association.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:07 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by the Governor
(February 4, 1985)

H.C.R. 22

H.C.R. 26

Signed by the Governor
(February 5, 1985)

S.B. 90 (Effective immediately)

SEVENTEENTH DAY

(Thursday, February 7, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Glasgow, Washington.